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Recommended Citation

Cole, H. R. (2000). The Sabbath and the alien. *Andrews University Seminary Studies*, 38(2), 223-229.

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THE SABBATH AND THE ALIEN

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Many scholars in modern Judaism have discerned universal dimensions to the Sabbath.¹ However, few writers in earlier Judaism ever saw them.² It is almost superfluous to add that non-Sabbatarian Christians have rarely seen these dimensions either.

This failure to see universal dimensions may seem surprising, for three passages in the Pentateuch affirm that the גר, "resident alien," is to rest on the weekly Sabbath, along with the Israelite (Exod 20:10; 23:12; Deut 5:14). However, rabbinic Judaism has traditionally identified the גר in these passages as the *ger šaddiq*, the circumcised "righteous alien," rather than the *ger toshab*, the uncircumcised "sojourning alien." The *ger šaddiq* was a newcomer to Jewish territory, but not to the Jewish religion.³

By the rabbinic period, the גר was understood in terms of religious

¹E.g., Leo Baeck, "Mystery and Commandment," in *Contemporary Jewish Thought*, ed. Simon Noveck (New York: B'nai B'rith, 1963), 202; idem, *This People Israel: The Meaning of Jewish Existence*, trans. Albert H. Friedlander (New York: Union of American Hebrew Congregations, 1964), 138; Martin Buber, *Moses*, East and West Library (Oxford: Phaidon Press, 1946); Hermann Cohen, *Reason and Hope: Selections from the Jewish Writings of Hermann Cohen*, trans. Eva Jospe (Cincinnati, OH: Hebrew Union College, 1993), 87, 116, 117, 225. Note the universality implied in the title of Abraham J. Heschel's book, *The Sabbath: Its Meaning for Modern Man* (New York: Farrar, Straus, and Young, 1951). See also Roy Branson, "Sabbath—Heart of Jewish Unity," *JES* 15 (1978): 722-732.

²Philo,, has an extremely universal view of the Sabbath, as he has of the whole of Judaism, which he strives to present as nothing more than Greek philosophy in its purest form ("On the Account of the World's Creation Given by Moses," 89). *Genesis Rabbah* 11:5 teaches that if the Gentiles will not keep the Sabbath now, they will be forced to as they suffer in the afterlife. However, the general trend of early Judaism is in the opposite direction, as exemplified in the way the Babylonian talmud tractate *Sanhedrin* 58b and *Deuteronomy Rabbah* 1:21 forbids non-Jews from observing the Sabbath under pain of death. See also *Exodus Rabbah* 25:11. *Jubilees* has the seeds of universalism inherent in its claim that the Sabbath is first observed by God and the angels at Creation, but immediately restricts its observance on earth to Israel (*Jub* 2:16-22, 30-33). This apocalyptic tradition is continued in *Pirkê de Rabbi Eliezer* 18-20; *Pesikta Rabbati* 26.3, 9. For more information see Robert M. Johnston, "Patriarchs, Rabbis, and Sabbath," *AUSS* 12 (1974): 98-101.

³E.g., *Mekilta Exodus* 20:10 and *Pesikta Rabbati* 23.4. See also George Foot Moore, *Judaism in the First Centuries of the Christian Era*, 2 vols. (Cambridge: Harvard University Press, 1962), 1:339, 340.

conversion. The rabbinic distinction between the circumcised and the uncircumcised alien may at first sight seem to be an artificial contrivance to reconcile the apparently conflicting commands of Lev 17:15, 16 and Deut 14:21. For the historical critic, it would normally be enough to develop a theology of the alien and the law for just one of the supposed sources, rather than attempting to identify a coherent pattern across the board.⁴ However, the distinction cannot be dismissed out of hand, for while the word נָר sometimes does refer to the alien in general,⁵ at other times it seems to refer exclusively to the alien who has been circumcised.⁶ The question here is whether it is an appropriate distinction to draw in the context of the three Pentateuchal texts where the נָר is discussed in relationship to the weekly Sabbath.

John Calvin accepted that the נָר in these passages includes

⁴Jacob Milgrom argues that in the priestly laws, the alien is required to observe the prohibitive but not the performative commandments (Jacob Milgrom, *Numbers*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1990], 399-400). The fact that Deut 14:21 exempts the alien from a prohibitive commandment is a clear barrier to extending this maxim to the Pentateuch as a whole.

Lev 16:29 is a key peg in Milgrom's argument, since he accepts Ibn Ezra's contention that the phrase, "either the nativeborn or the alien who sojourns among you" qualifies the prohibition against working on the Day of Atonement, but not the immediately preceding performative command to afflict one's soul on this day. See Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary*, AB, vol. 3 (New York: Doubleday, 1991), 1055. However, Ezra's distinction itself seems to be contrived. The grammatical pattern of a performative commandment followed by a prohibition of work then a list of who is included is also found in Exod 20:9-10 and Deut 5:13-14. However, no one claims that the dependents listed are prohibited from working on the seventh day, but are not included in the earlier permission to work the other six days.

⁵Lev 18:26-27 forbids the nativeborn and the alien alike from committing the sexual practices listed in the chapter, because the people already in the land have done these things and the land has become defiled. The fact that the present occupants of the land are not a part of Israel has not prevented their actions from defiling the land. Accordingly, the preservation of the land from the defilement under Israelite occupation must presuppose that the Israelites ensure that none of its inhabitants commit these acts, uncircumcised aliens included.

⁶Exod 12:19 states that anyone who eats leaven during the Feast of Unleavened Bread will be cut off "from the congregation of Israel" (מִעֲרֵי יִשְׂרָאֵל) whether alien or nativeborn. According to Milgrom's maxim, this command applies to aliens (whether circumcised or not) because it is prohibitive rather than performative. However, in Exod 12:47-48 uncircumcised aliens are not counted as part of the congregation of Israel, for in Exod 12:47-48 they are specifically prohibited from taking part in Passover in the same breath as *all* the congregation of Israel is commanded to observe it.

It is also possible that in Lev 16:29, the נָר includes only the circumcised alien, since in vs. 33 the priest is said to make for "all the people of the assembly" (כָּל־עַם הַקֹּהֵל), an expression that includes only Israelites and assimilated aliens in Deut 23:3-8 (vss. 4-9, Heb.), just as (מִעֲרֵי יִשְׂרָאֵל) does not include uncircumcised aliens in Exod 12:48.

uncircumcised aliens, but denied any universal dimensions to the Sabbath by adding that aliens and domestic animals are included

not for their sakes, but lest anything opposed to the sabbath should happen beneath the eyes of the Israelites. . . . Besides, if the very least liberty had been conceded to them [the Israelites], they would have done many things to evade the Law in their days of rest, by employing strangers and the cattle in their work.⁷

There seems to be no evidence in Exod 20:10 to establish whether the term *נָר* is being used in a restricted or a broad sense, or to indicate whether the alien's rest is merely incidental to that of the Israelite. However, there is evidence on both these points in Exod 23:12 and Deut 5:14. The purpose of this article is to explore the place of the alien in these two texts and to use the evidence as it arises to test the traditional rabbinic interpretation and the explanation given by Calvin.

The Alien in Exod 23:12

On the basis of the "catchword" principle, the scheme of six years followed by a seventh year in Exod 23:10-11 naturally lends itself as an introduction to the scheme of six days followed by a seventh day in v. 12:⁸

ששת ימים תעשה מעשך וביום השביעי תשבת למען ינוח שורך וחמורך וינפש בן-אמך
והנר

Six days you must do your work, but on the seventh day you must stop, so that your ox and your donkey may rest, and the son of your female servant and the stranger may be refreshed.

The inclusion of the *נָר* in the Sabbath rest is clearly not incidental to the rest of the Israelites in this text. Indeed, the verse does not even mention the benefits of the Sabbath rest for "the addressee and his family."⁹ Instead, the

⁷John Calvin, *Commentaries on the Four Last Books of Moses Arranged in the Form of a Harmony*, trans. Charles William Bingham, vol. 2 [Grand Rapids: Eerdmans, 1950], 439). See also Daniel Augsburg, "Calvin and the Mosaic Law," 2 vols. (DSR thesis, Université des sciences humaines de Strasbourg: Faculté de théologie protestante, 1976), 1:280.

⁸See C. W. Kiker, "The Sabbath in the Old Testament Cult" (Th.D. dissertation, Southern Baptist Theological Seminary, 1968), 90.

⁹Dale Patrick, *Old Testament Law* (Atlanta, GA: John Knox, 1985), 92. This fact does not mean that no benefit for the addressee of the command is envisaged at all, nor that the worship value of the Sabbath is being denied. Instead, it simply suggests that the Sabbath is here presented as having a distinctly humanitarian purpose. Exod 23:1-12 is a list of judgments outlining humanitarian obligations and Exod 23:14-19 contains a list of judgments outlining Israel's festival obligations, with v. 13 forming a boundary between the two. This structure may explain why in

addressee is to rest expressly "so that" (למען) his animals may rest and the son of his female servant and the alien may be refreshed.¹⁰

The inclusion of the uncircumcised alien in the statement of Exod 23:12 is confirmed by the fact that nearby in Exod 23:9, the term נר clearly includes all aliens, circumcised and uncircumcised alike:

וְנָר לֹא תִלְחָץ וְאַתָּם יֹדְעִים אֶת־חַיַּת הַנָּר כִּי־נָרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם

You must not oppress the alien. You know the life of the alien, for you were aliens in the land of Egypt.

The allusion to the Israelites as aliens in Egypt is suggestive of their erstwhile vulnerability as a dependent minority in a foreign land. It has nothing to say about their adoption of Egyptian religious practice.¹¹ Conversely, the command not to oppress the נר must also have all aliens in view, not just those who adopt the Israelite covenant by being circumcised.

The Alien in Deut 5:14

The Sabbath commandment in Deut 5:12-15 stands at the heart of the Deuteronomic account of the Decalogue. Verse 14 lists those included in the prohibition against working on the Sabbath and concludes with a purpose clause:

וַיּוֹם הַשְּׁבִיעִי שָׁבַת לַיהוָה אֱלֹהֶיךָ לֹא תַעֲשֶׂה כָל־מְלָאכָה אַתָּה וּבִנְךָ־יֹבֵתךָ וְעַבְדְּךָ וְאִמְךָ וְשׁוֹרְךָ וְחֹמֶרְךָ וְכָל־בְּהֵמַתְךָ וְנָרְךָ אֲשֶׁר בְּשַׁעֲרֶיךָ לְמַעַן יָנוּחַ עַבְדְּךָ וְאִמְךָ כָמוֹךָ

Exod 23:10-12 "there is no allusion to the keeping of a sabbath unto the Lord . . . in connection with either the seventh year or seventh day," such as is found in Exod 20:10 and Lev 23:3 (C. F. Keil and F. Delitzsch, *The Pentateuch*, 2 vols., Biblical Commentary, trans. James Martin, Clark's Foreign Theological Library, 4th series, vol. 3 [Edinburgh: T. & T. Clark, 1872], 146). It would also explain the absence of any mention of benefits for the addressee of the command.

¹⁰It has been argued that the welfare of animals, slaves, and aliens is not primarily in focus in Exod 23:12. Instead, a sacral "return to the original state," a *restitutio in integrum*, "is in view, and they are to rest simply because 'they are an integral part of the creation which . . . is to return to its 'rest'" (Martin Noth, *Exodus: A Commentary*, trans. J. S. Bowden, Old Testament Library [Philadelphia, PA: Westminster Press, 1962], 190). However, such a conclusion is not drawn from evidence in the passage itself. See Niels-Erik Andreasen, *The Old Testament Sabbath: A Tradition-Historical Investigation*, SBLDS, no. 7 (Missoula, MT: Society of Biblical Literature, 1972), 135; Jay W. Marshall, *Israel and the Book of the Covenant: An Anthropological Approach to Biblical Law*, SBLDS, no. 140 (Atlanta, GA: Scholars Press, 1993), 159.

¹¹In view of the scattering of the Jewish exiles, it is understandable that the LXX translators would interpret the נר primarily as a newcomer to the Jewish religion, whenever possible. Nevertheless, their translation of נרים in the last clause of Exod 23:9 as προσήλυτοι ("proselytes") is clearly anachronistic. It would have been more appropriate if the terms נר/נרים had been translated as πάροικος/πάροικοι ("sojourner/sojourners") in both verses.

However, the seventh day [is] a Sabbath to Yahweh your God. You must not do any work: [not] you, or your son, or your daughter, or your male servant, or your female servant, or your ox, or your donkey, or any of your cattle, or your alien who [is] within your gates, so that your male servant and female servant may rest like you.

"Although only the male and female slave are mentioned in the clause stating the rationale, it seems clear that they represent the entire list of dependents mentioned earlier in the command."¹² Accordingly, the extension of rest to the household, the alien, and the livestock is not incidental to the rest of the Israelite householder. Instead, it is placed on a par.

The inclusion of the uncircumcised alien in the command of Deut 5:14 is confirmed by the fact that it is reinforced in v. 15 with an appeal to the Israelite experience of slavery in Egypt.

זוכרת כִּי־עבד היית בארץ מצרים ויצאך יהוה אלהיך משם ביד חזקה ובזרע נשואה על-כן
 צוך יהוה אלהיך לעשות את־יום השבת

And you must remember that you were a slave in the land of Egypt and Yahweh your God brought you out from there with a strong hand and with a stretched-out arm. Therefore Yahweh your God commanded you to observe the Sabbath day.¹³

The fact that the Israelites were aliens in Egypt is not explicitly stated in this verse, but it is implied, in the same way that the inclusion of the alien in the rationale of v. 14 is implied. Accordingly, the issue of the alien's vulnerability is what is in view, not the question of his inclusion in the Israelite covenant through circumcision, just as in Exod 23:9.

Conclusion and Implications

A universal dimension to the weekly Sabbath is implied by the presence of three commands in the Pentateuch that specifically include the

¹²Christiana van Houten, *The Alien in Israelite Law*, JSOT Supplement Series, no. 107 (Sheffield: JSOT Press, Sheffield Academic Press, 1991), 92.

¹³The conclusion of this verse may seem to suggest that the deliverance from Egyptian slavery is being advanced as the reason for Sabbath observance itself, rather than as reason for extending its privileges to one's dependents. However, while Exod 20:11 has an introductory "for" (כִּי), the reference to Israel's redemption in Deut 5:15b begins with the "conjunction 'and' and simply enlarges the command" in v. 15a "to include remembrance of the Exodus on the sabbath" (Niels-Erik Andreasen, "Festival and Freedom: A Study of an Old Testament Theme," *Int* 28 [1974]: 284). The "therefore" (עַל־כֵּן) of Deut 5:15b may thus simply be by "analogy of [*sic*] Exodus 20:8-11, for . . . no reason for the sabbath per se is really provided here" (ibid). On the other hand, even if Israel's deliverance from slavery did constitute one reason for Sabbathkeeping, there is no reason to deny that contextually it also serves as a prod to show kindness toward one's dependents (see Martin Rose, *5. Mose*, 2 vols., Zürcher Bibelkommentare, Altes Testament, no. 5.2 [Zurich: Theologischer Verlag, 1994], 431).

alien in the Sabbath rest (Exod 20:10; 23:12; and Deut 5:14). Traditional rabbinic interpretation has resisted this implication by claiming that the גר or alien in these verses is the *ger šaddiq*, the circumcised "righteous alien," rather than with the *ger toshab*, the uncircumcised "sojourning alien," who is a newcomer to Jewish territory, but not to the Jewish religion. According to John Calvin, the uncircumcised alien is included, but simply to prevent any stumbling-block to Israelite Sabbathkeeping, not because of any benefit he himself might gain. There seems to be no evidence as to the validity or otherwise of these arguments in Exod 20:10. However, an exegesis of the place of the alien in Exod 23:12 and Deut 5:14 provides strong evidence that these texts do include the uncircumcised alien in their perspective, and that his rest and refreshment is just as much apart of the purpose of the Sabbath as the rest and refreshment of the Israelite householder.

In Christian circles, the continued observance of a weekly Sabbath has generally received wider support than the continued observance of other OT sacred times. A number of reasons might be cited, not least of which is the fact that the Sabbath is the only sacred time that is specifically included in the Decalogue.¹⁴ Rarely has attention been given to the possible significance of a comparative study of the Pentateuchal laws governing the relationship of the alien to different sacred times, and it is beyond the scope of this article to undertake such a study in detail. nevertheless, on the basis of a preliminary investigation, it would seem that the Pentateuch itself does give the uncircumcised alien a special status in relationship to the weekly Sabbath, one that it does not afford to him in relationship to any other sacred time.¹⁵ This distinction may indeed

¹⁴Because of its position in the substance of the "Ten Commandments," the weekly Sabbath retains its binding character on the recipient of the new covenant in a manner which does not apply to the sabbatical year or the year of jubilee" (O. Palmer Robertson, *The Christ of the Covenants* [Phillipsburg, NJ: Presbyterian and Reformed Publishing, 1980], 74).

¹⁵The uncircumcised alien is specifically barred from observing the Passover (Exod 12:43-49). The alien is prohibited from eating leavened bread during the Feast of Unleavened Bread (Exod 12:19), but the examination of context undertaken above (see n. 6) indicates that the circumcised alien is specifically in view in this verse. The examination of the context of Lev 16:29 undertaken above (nn. 5-6) suggests the possibility that just the uncircumcised alien may be specifically in view in commands given with reference to the alien is apparently permitted and encouraged to observe the Feast of Harvest/Weeks (Deut 16:11, 12; 26:11), but he does not seem to be required to do so (Deut 16:16). The same situation seems to apply to alien observance of the Feast of Booths (Lev 22:42, 43; Deut 16:14, 16). In the Sabbatical Year, provision is made for the sustenance of the uncircumcised alien while the land lies fallow (Lev 25:6) and the uncircumcised alien attending the Feast of Booths that year is included in the comprehensive list of people who are to listen to the reading of the law (Deut 31:11, 12). The provision for the sustenance of the alien may be to ensure his survival as a landless individual during the fallow year. However, his debts are not remitted as the

offer one justification for the special place of honor sometimes accorded the Sabbath in Christian tradition *vis-à-vis* other OT sacred times.

Israelite's are, nor is the non-Israelite slave released after seven years, as the Israelite slave is (Deut 15:1-18). Likewise, in the Year of Jubilee, Israelite servants are to be released, whereas the slaves who are foreigners or the children of aliens may remain enslaved and be passed on from generation to generation (Lev 25:47-54). In none of these cases is there a categorical requirement for the uncircumcised alien to participate fully in the observance of a sacred time, such as we have found in this article with the weekly Sabbath.